

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TINA D'AMBOLA,

Plaintiff,

V.

THE MARINA AT BEACON, LLC d/b/a
BEACON 70; VINCENT COSTA; JOHN &
JANE DOES (1-10); and XYZ CORPS
(1-10),

Defendants.

: CASE NO.: 3:21-cv-20530

ORDER

THIS MATTER having been opened to the Court by Patrick J. Whalen, Esq., counsel for the Plaintiff, Tina D'Ambola ("Plaintiff") in a letter dated March 4, 2022 ("the Letter"); it appearing that in the Letter, which was sent to the Court in response to Defendants' Rule 12(b)(6) motion, Plaintiff, through her counsel, informed the Court that Plaintiff's FMLA and Section 1983 claims would no longer be pursued, and accordingly, that there will be no basis for federal subject matter jurisdiction in the Complaint filed; it appearing that Plaintiff received consent from Defense Counsel regarding Plaintiff's request for this voluntary dismissal of Plaintiff's Federal claims; it appearing that, Plaintiff, through her counsel Patrick J. Whalen, Defendants The Marina at Beacon, LLC d/b/a Beacon 70 and Vincent Costs, ("Defendants"), through their counsel, Olender Feldman, LLP (Marguerite Kneisser, Esquire appearing), agreed that this case should be dismissed without prejudice for lack of federal jurisdiction, pursuant to 28 U.S.C. § 1367; it appearing that, pursuant to 28 U.S.C. § 1367(d) the limitations period for claims brought under the Court's supplemental jurisdiction shall be **tolled for a period of 30 days** after the claims are voluntarily dismissed to allow Plaintiff to

re-file her remaining claims in State Court; it further appearing that Defendants reserve all rights to raise defenses concerning the timeliness of any of the claims to be filed and/or refiled in the state court; and for good cause shown;

IT IS on this 15th day of March 2022, **ORDERED** that the Complaint filed on December 15, 2021 (ECF D.E. 1), is **DISMISSED WITHOUT PREJUDICE**;

IT IS FURTHER ORDERED that this case is **CLOSED**.

So Ordered:

A handwritten signature in black ink, appearing to read "Mashipp", is written over a horizontal line.

Honorable Michael A. Shipp, U.S.D.J.